

PAU 2761/301

I hereby certify that this correspondence is being deposited with the United States Postal Services on the date set forth below as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Signature  
and Deposit: June 9, 1999

*[Handwritten Signature]*  
Attorney of Record



PATENT  
Docket No. 210655.90018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 22 2000  
O I P E / J C W S  
RECEIVED

Applicants: Timothy LaBadie et al.  
Serial No.: 09/259,619  
Filed: March 1, 1999  
For: INTERNET BASED PAYMENT SYSTEM  
Group Art Unit: 2761

REQUEST FOR REFUND

RECEIVED

Assistant Commissioner for Patents  
Washington, D.C. 20231

JUN 18 1999

Dear Sir:

Group 2700

The above utility application was filed on March 1, 1999. On the Utility Patent Application Transmittal (copy enclosed), the box was checked indicating that a Small Entity Statement was filed in the provisional application and status was still proper and desired. A copy is enclosed of the Verified Statement Claiming Small Entity Status which was filed in the priority provisional application, Appln. No. 60/076,665, filed March 3, 1998.

On the Filing Receipt dated 03/18/99 (copy enclosed), the small entity status was not recognized and a large entity fee of \$760.00 was recorded. Applicants respectfully state that the filing fee should have been \$380.00 for a Small Entity.

A Notice to File Missing Parts was mailed 03/19/99, and Applicants' attorney mailed a Submission of Documents in Response to Notice of Missing Parts on April 7, 1999 (copy enclosed). This Submission of Documents included a copy of the Small Entity Statement from the provisional application and the Fee Transmittal (copy enclosed) reflected a small entity charge of \$65.00 for late filing of the Declaration.

FEB 24 2000  
U.S. CENTRAL  
RECEIVED

A Corrected Filing Receipt was mailed 04/20/99 (copy enclosed) which indicates that again the Small Entity status was not recognized and a large entity fee of \$130.00 was charged for late filing of the Declaration.

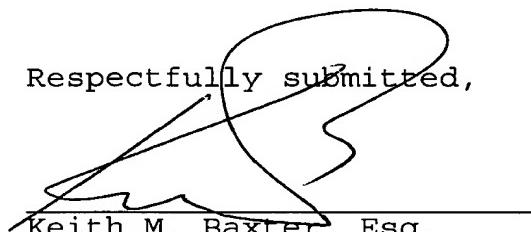
Applicants respectfully request reconsideration and restate that Small Entity Status is still desired and proper for this application.

Please credit Deposit Account No. 17-0055 in the amount of \$445.00 for overpayment of the filing fee and the surcharge for late filing of the Declaration.

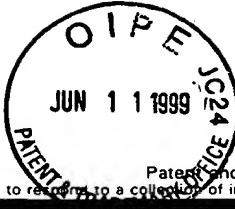
Dated: June 9, 1999

Respectfully submitted,

By:

  
Keith M. Baxter, Esq.  
Registration No. 31,233

Quarles and Brady LLP  
411 East Wisconsin Ave.  
Milwaukee, WI 53202  
(414) 277-5719



PTO/SB/05 (1/98)

Please type a plus sign (+) inside this box Approved for use through 9/30/00, OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>		Attorney Docket No.	210655.90018
		First Inventor or Application Identifier	Timothy LaBadie
		Title	INTERNET BASED PAYMENT SYSTEM
		Express Mail Label No.	EL 122 361 560 US
(Only for new nonprovisional applications under 37 CFR 1.53(b))			

<b>APPLICATION ELEMENTS</b> <small>See MPEP Chapter 600 concerning utility patent application contents.</small>		<b>ADDRESS TO:</b> <small>Assistant Commissioner for Patents Box Patent Application Washington, D.C. 20231</small>	
<p>1 <input checked="" type="checkbox"/> Fee transmittal Form (Submit an original and a duplicate for fee processing)</p> <p>2 <input checked="" type="checkbox"/> Specification [Total Pages <b>14</b>]  <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross References to Related Applications</li> <li>- Statement Regarding Fed Sponsored R&amp;D</li> <li>- Reference to Microfiche Appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings <i>(if filed)</i></li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> </p> <p>3 <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets <b>2</b>]</p> <p>4. Oath or Declaration [Total Pages <b>3</b>]       <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> Unsigned (original or copy)</li> <li>b. <input type="checkbox"/> Copy from prior Application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i> <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <i>Signed Statement attached deleting inventor(s) named in prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i></li> </ul> </li> </ul> </p> <p>5 <input type="checkbox"/> Incorporation By Reference <i>(useable if Box 4b is checked)</i> The entire disclosure of the prior application from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference herein.</p> <p>6. <input type="checkbox"/> Microfiche Computer Program <i>(Appendix)</i></p> <p>7. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer readable Copy</li> <li>b. <input type="checkbox"/> Paper Copy <i>(identical to computer copy)</i></li> <li>c. <input type="checkbox"/> Statement Verifying identity of above</li> </ul> </p>			
<b>ACCOMPANYING APPLICATION PARTS</b>			
<p>8. <input type="checkbox"/> Assignment Papers (cover sheet &amp; documents)</p> <p>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(where there is an assignee)</i></p> <p>10. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> Return receipt postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>14. <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Statement filed in provisional appln <i>Statement filed in provisional appln</i> <input type="checkbox"/> Status still proper and desired</p> <p>15. <input type="checkbox"/> Certified copy of priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Other: <i>A new statement is required to pay small entity fees, except where one has been filed in a prior application and is being relied upon</i></p>			
<b>RECEIVED</b>			
FEB 21 2000			
RECEIVED U.S. PATENT AND TRADEMARK OFFICE JUN 18 1999			
<p>17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:</p> <p><input type="checkbox"/> Continuation    <input type="checkbox"/> Divisional    <input type="checkbox"/> Continuation-in-part (CIP)    of prior application no. <b>JUN 18 1999</b></p> <p>Prior application information: Examiner: _____ Group/Art Unit: _____</p>			
<b>18. CORRESPONDENCE ADDRESS</b>			
<b>Group 2700</b>			
<input type="checkbox"/> Customer Number or Bar Code Label		<small>(Insert Customer No. or Attach bar code label)</small>	
or <input checked="" type="checkbox"/> Correspondence address below			
NAME	Keith M. Baxter		
ADDRESS	Quarles and Brady LLP 411 E. Wisconsin Avenue		
CITY	Milwaukee	STATE	WI
COUNTRY	USA	TELEPHONE	(414) 277-5000
ZIP CODE	53202		
FAX	(414) 271-3552		

Name (Print/Type)	Keith M. Baxter	Registration No. (Attorney/Agent)	31,233
Signature	March 1, 1999		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
4326426

EXPRESS MAIL LABEL NO. \_\_\_\_\_



PTO/SB/09 (6-95)

Approved for use through 9/30/98. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c))--SMALL BUSINESS**Docket Number (Optional)  
210655.90018Applicant or Patentee: Timothy LaBadieSerial or Patent No.: 60/076,665Filed or Issued: March 3, 1998Title: INTERNET CHECK PAYMENT SYSTEM

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: CrossCheck, Inc.ADDRESS OF SMALL BUSINESS CONCERN: 6119 State Farm DriveRohnert Park CA 94928-2146

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with the title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having rights in the invention is listed below:

- No such person, concern, or organization exists.  
 Each such person, concern or organization is listed below.

FULL NAME \_\_\_\_\_

**RECEIVED**

JUN 18 1999

ADDRESS \_\_\_\_\_

 Individual     Small Business Concern     Nonprofit Organization**Group 2700**

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Timothy LaBadieTITLE OF PERSON OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING 6119 State Farm Drive, Rohnert Park CA 94928-2146SIGNATURE Timothy LaBadieDATE 6/15/98

# FEE TRANSMITTAL

## for FY 1999

Patent fees are subject to annual review.  
Small Entity payments must be supported by a small entity statement  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12

TOTAL AMOUNT OF PAYMENT \$ 105.00

JUN 11 1999  
PATENT & TRADEMARK OFFICE  
RECEIVED

Complete if Known	
Application Number	09/259,619
Filing Date	March 1, 1999
First Named Inventor	Timothy LaBadie
Group Art Unit	2761
Examiner Name	--
Attorney Docket Number	Group 2700 210655.90018

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 17-0055

Deposit Account Name Quarles & Brady LLP

- Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

2.  Payment Enclosed:

Check  Money Order  Other

## FEE CALCULATION (fees effective 11/10/98)

## 1. FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	760	201	380	Utility filing fee	
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	760	208	380	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. CLAIMS

Total Claims	-20**=	Extra	Fee from below	Fee Paid
Independent Claims	-3**=		X	=
Multiple Dependent Claims			X	=

\*\* or number previously paid, if greater. For reissues see below

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim
109	78	209	39	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

## 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	218	680	Extension for reply within fourth month	
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,210	241	605	Petition to revive unintentionally abandoned application	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))	
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) \_\_\_\_\_  
Other fee (specify) \_\_\_\_\_

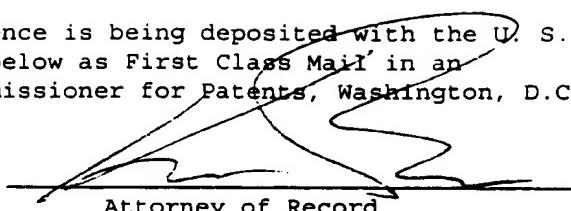
SUBTOTAL (3) (\$105.00)

Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Keith M. Baxter	Date	4346425 Reg. Number 31,233
Signature		Date	April 7, 1999 Deposit Account User ID

I hereby certify that this correspondence is being deposited with the U. S. Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Signature  
and Deposit: April 7, 1999

  
Attorney of Record



PATENT

Docket No. 210655.90018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Timothy LaBadie et al.

Serial No.: 09/259,619 Art Unit: 2761

Filed: March 1, 1999 Examiner: --

For: INTERNET BASED PAYMENT SYSTEM

TECH CENTER 2700

FEB 24 2001

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SUBMISSION OF DOCUMENTS  
IN RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts  
Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts dated March 19, 1999, please find transmitted herewith the original signed Declaration for the above patent application containing the signatures of the inventors.

Also enclosed are:

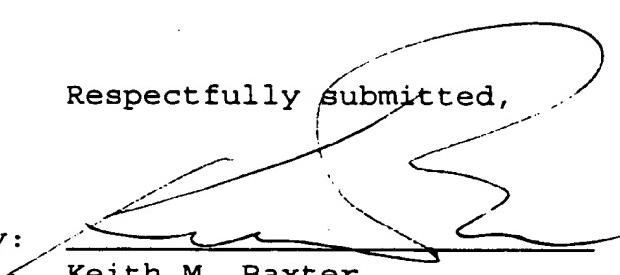
- copy of the Notice to File Missing Parts;
- a Fee Transmittal Sheet;
- Recordation Form Cover Sheet and executed Assignment; and

X Copy of Small Entity Statement filed in  
provisional application. Status still proper and  
desired.

Date: April 7, 1999

By:

Respectfully submitted,

  
Keith M. Baxter  
Attorney of Record  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202-4497  
(414) 277-5725

FILING RECEIPT  
CORRECTED

f/e

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/259,619	03/01/99	2761	\$890.00	210655.90018	2	7	1

KEITH M BAXTER  
QUARLES & BRADY  
411 EAST WISCONSIN AVE SUITE 2550  
MILWAUKEE WI 53202-4497

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

## Applicant(s)

TIMOTHY LABADIE, NOVATO, CA; ROBERT FICARRA, SEBASTOPOL, CA; PAUL H. GREEN, PETALUMA, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
PROVISIONAL APPLICATION NO. 60/076,665 03/03/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 03/18/99  
TITLE  
INTERNET BASED PAYMENT SYSTEM

PRELIMINARY CLASS: 705

RECEIVED  
JUN 18 1999  
Group 2700

RECEIVED

JUN 28 1999

DATA ENTRY BY: BURNS, ERIC

TEAM: 07 DATE: 04/20/99



FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/259,619	03/01/99	2761	\$760.00	210655.90018	2	7	1

KEITH M BAXTER  
QUARLES & BRADY  
411 EAST WISCONSIN AVE SUITE 2550  
MILWAUKEE WI 53202-4497

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

## Applicant(s)

TIMOTHY LABADIE, NOVATO, CA; ROBERT FICARRA, SEBASTOPOL, CA; PAUL H. GREEN, PETALUMA, CA.

## CONTINUING DATA AS CLAIMED BY APPLICANT-

PROVISIONAL APPLICATION NO. 60/076,665 03/03/98

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IF REQUIRED, FOREIGN FILING LICENSE GRANTED 03/18/99 JUN 18 1999

TITLE

INTERNET BASED PAYMENT SYSTEM

Group 2700

PRELIMINARY CLASS: 705

RECEIVED  
FEB 24 2000  
TECH CENTER 2700

**RECEIVED**  
APR 5 14 99

DATA ENTRY BY: BURNS, ERIC

TEAM: 07 DATE: 03/18/99